Section 4.9.18. Upper Rock Creek (URC) Overlay Zone

A. Purpose

The purpose of the URC Overlay zone is to:

1. Protect the water quality and quantity and biodiversity of the Upper Rock Creek watershed north of Muncaster Mill Road, including Rock Creek mainstem and its tributaries.

2. Regulate the amount and location of impervious surfaces to maintain levels of infiltration, control erosion, and allow natural processes to filter water and control temperature, and control the volume of stormwater runoff.

B. Exemptions

1. The following are exempt from Section 4.9.18:

   a. Any impervious surface lawfully existing under a building permit or sediment control permit issued before November 15, 2004 or under a building permit or sediment control permit application filed on or before November 15, 2004 may be continued, renovated, repaired, or reconstructed to the same size and configuration.

   b. Any property expressly exempted by the applicable master plan.

   c. Any addition, allowed under the development standards of the underlying zone, to a detached house.

   d. Any accessory structure, allowed under the development standards of the underlying zone, on the lot of an existing detached house.

   e. Any private institutional facility developed according to an approved preliminary plan dated on or before November 15, 2004, if every effort is made to minimize imperviousness or mitigate the impacts of runoff. Also, additions to such plans that increase impervious area a maximum of 5% above the amount approved are allowed.

   f. Development in any Industrial or Commercial/Residential zone.

2. All public projects must satisfy the provisions of the URC Overlay zone, however, these provisions are not intended to preclude the development of public facilities. Such facilities must conform to the water quality plan submission and review requirements established in Chapter 19, Article V, and keep imperviousness to the minimum needed to accomplish the public purpose intended.

C. Development Standards

Impervious surfaces are restricted to a maximum of 8% of the tract of any application for development.

D. Waiver

The applicable review body may grant a waiver of the development standards in Section 4.9.18.C if it finds that:

1. The 8% impervious surface limit would cause an undue hardship on the applicant because of events or circumstances not caused or facilitated by the applicant or the applicant can demonstrate that the impervious surface limit would prevent the applicant from building the maximum number of affordable housing units otherwise allowed by the zone. If the applicable review body grants a waiver from the 8% impervious surface limit for affordable housing, it must approve the minimum increase necessary to allow the affordable housing. In no event may the waiver result in development with more than 10% impervious surface area;

2. The application otherwise complies with all applicable Federal, State, and County water quality regulations;

3. The relief sought is the minimum needed to prevent the undue hardship; and

4. Alternative water quality and quantity control techniques are used to meet the purposes of Section 4.9.18.

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